

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

United States of America)	Cr. No. 5:01-736-005
)	
v.)	OPINION and ORDER
)	
Brandon Shane Gravatt,)	
)	
Defendant.)	
_____)	

On April 21, 2011, Defendant, proceeding *pro se*, filed a “Tenth Amendment Supplemental Administrative Notice and Petition for Post Judgment Relief by Special Visitation.” Dkt. #482 (filed Apr. 21, 2011). Construed liberally, Defendant’s motion for relief pursuant to Federal Rule of Civil Procedure 60(b)(5) seeks release from imprisonment.

Defendant appears to contend that his criminal judgment is a negotiable instrument subject to the Uniform Commercial Code (UCC), and to be claiming a security interest in that judgment for which he has offered a private bond for deposit in the United States Treasury to settle all liability and debt to effect his discharge. *See* Dkt. Nos. 417, 418, 420, and 421. Defendant contends that based upon this motion and his previous filings, his “debt” has “been fully discharged, dollar-for-dollar as a matter of law.” Mot. at 3. However, Defendant’s attempt to effect his release through the operation of certain civil commercial statutes and self-styled bonds is legally frivolous.

Liberally construing Defendant’s motion, Defendant seeks habeas corpus relief. Such relief is limited to that provided through a post-conviction motion for relief under 28 U.S.C. § 2255 or through a habeas corpus petition under 28 U.S.C. § 2241. Absent habeas relief awarded under either of these statutes, Defendant’s “debt” will not be “discharged” until he serves the 292-month period of incarceration to which he was sentenced on May 8, 2003.

Defendant's motion is **denied**.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
May 6, 2011